



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

DEC 11 2001

OFFICE OF  
CIVIL RIGHTS

**CERTIFIED MAIL #7000 1670 0005 6094 4911**  
**RETURN RECEIPT REQUESTED**

**In Reply Refer to:**  
EPA File No: 18R-00-R9

Mr. M. David Karnas  
Siegel, Bellovis & Karnas  
100 North Stone, Eleventh Floor Suite 1105  
Tucson, Arizona 85701

**Re: Acceptance of Administrative Complaint**

Dear Mr. Karnas:

On December 19, 2000, you filed a complaint with the U.S. Environmental Protection Agency, Office of Civil Rights, on behalf of The Phoenix Building Trades, Inc. and Don't Waste Arizona, Inc. The complaint alleges violations of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d *et seq.*, and EPA's regulations implementing Title VI found at 40 C.F.R. Part 7 by the Maricopa County Environmental Services Department. The purpose of this letter is to inform you that your complaint has been accepted for investigation by EPA.

Your complaint alleges that the MCESD discriminated against members of the Latino community in west Phoenix, Arizona, by issuing a significant permit revision and otherwise modifying a Clean Air Act Title V permit to operate an Arizona Public Service/Pinnacle West combined cycle power plant. Specifically, you state that these actions will disproportionately and adversely affect the health of the Latino community that resides in the area adjacent to the power plant. In the complaint you also allege that MCESD's administration of its CAA permitting authority pursuant to the CAA has created and perpetuated a system of discriminatory air permitting in the same area which results in Latino and other people of color bearing disproportionate impacts from air pollution. Both of these allegations are accepted for investigation.

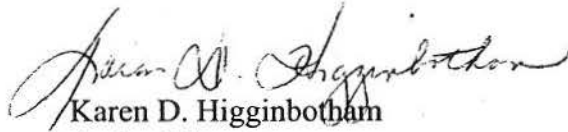
Under Title VI, a recipient of federal financial assistance may not discriminate on the basis of race, color, or national origin. Pursuant to EPA's Title VI implementing regulations, OCR conducts a preliminary review of Title VI complaints for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). Your complaint meets the jurisdictional requirements described in EPA's Title VI regulations for investigations. First, your complaint is in writing. 40 C.F.R. § 7.120(b)(1). Second, you allege that actions by MCESD violate Part 7. 40 C.F.R. § 7.120(b)(1). Third, the alleged discriminatory act occurred on June 30, 2000, which is within 180 days of the date on which your complaint was filed with EPA. 40 C.F.R. § 7.120(b)(2). Fourth, MCESD was a recipient of EPA financial assistance at the time of the alleged discriminatory act. 40

C.F.R. § 7.15. Based on these facts, the allegations described in the second paragraph of this letter are accepted for investigation.

EPA's Title VI regulations provide that OCR must attempt to resolve complaints informally whenever possible. 40 C.F.R. § 7.120(d)(2). Accordingly, OCR will discuss offers to informally resolve the complaint, and will, to the extent appropriate, facilitate an informal resolution process with the involvement of affected stakeholders. If you are interested in an informal resolution of the complaint, please inform Yasmin Yorker within 30 days of receipt of this letter. Ms. Yorker can be reached at (202) 564-7296.

If you have any questions, please contact Eva Hahn by phone at (202) 564-8186, or by mail to the U.S. EPA, Office of Enforcement and Compliance Assurance (Mail Code 2201A), Title VI Task Force, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,

  
Karen D. Higginbotham  
Acting Director

cc: Al Brown, Director  
Maricopa County Environmental Services Department  
1001 N. Central Ave. Suite 500  
Phoenix, AZ 85004

Rafael DeLeon, Associate General Counsel  
Office of General Counsel (MC 2399)

Sylvia Lowrance, Acting Assistant Administrator  
Office of Enforcement and Compliance Assurance (MC 2201A)

Barry Hill, Director  
Office of Environmental Justice (MC 2201A)

Wayne Nastri, Regional Administrator  
EPA Region 9

Joann Asami, Title VI Coordinator  
Region 9

Gail Ginsberg, Chair  
Title VI Task Force (MC 2201A)